

## UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

United States of America )

v. )

Kenneth Higgenbotham )

Case No: Criminal No. 99-101

USM No: 06619-068

Date of Previous Judgment: 09/08/2000

Thomas Livingston

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion.

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 120 months months is reduced to time served .

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 35

Amended Offense Level: 34

Criminal History Category: VI

Criminal History Category: VI

Previous Guideline Range: 292 to 365 months

Amended Guideline Range: 262 to 327 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

## III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 09/08/2000 shall remain in effect.

IT IS SO ORDERED.

Order Date:

5/14/08

Judge's signature

Effective Date:

(if different from order date)

Gary L. Lancaster, US District Court Judge

Printed name and title